

ORIGINAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIM SNELL,

Plaintiff,

v.

THE STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, JUDITH A.
FITZGERALD and UNA I. WILEY,

Defendants.

CASE NO. 3:20-cv-06028-JHC

SPECIAL VERDICT FORM

We, the jury in the above captioned case, submit the following answers to the questions provided by the Court as to Kim Snell:

WHISTLEBLOWER CLAIM

QUESTION NO. 1: Has Plaintiff Kim Snell proved by a preponderance of the evidence that she is/was a Whistleblower under the State Employee Whistleblower Protection Law?

ANSWER: X Yes _____ No

If you answered "NO" to Question No. 1, do not answer the remaining Whistleblower Claim questions. If you answered "YES" to Question No. 1, move to Question No. 2.

1 **QUESTION NO. 2:** Has Kim Snell proved by a preponderance of the evidence that
2 DSHS and/or Judith Fitzgerald and/or Una Wiley subjected her to one or more reprisals or
3 retaliatory actions?

4 **ANSWER:** X Yes No

5 If you answered "NO" to Question No. 2, do not answer the remaining *Whistleblower Claim*
6 questions. If you answered "YES" to Question No. 2, move to Question No. 3.

7 **QUESTION NO. 3:** Has Kim Snell proved by a preponderance of the evidence that
8 her whistleblower activities were a substantial factor in the DSHS and/or Judith Fitzgerald's
9 and/or Una Wiley's decision to subject her to one or more reprisals or retaliatory actions?

10 **ANSWER:** X Yes No

11 If you answered "NO" to Question No. 3, do not answer the remaining *Whistleblower Claim*
12 questions. If you answered "YES" to Question No. 3, move to Question No. 4.

13 **QUESTION NO. 4:** Has Kim Snell proved by a preponderance of the evidence that
14 DSHS and/or Judith Fitzgerald's and/or Una Wiley's reprisal(s) and/or retaliatory action(s)
15 proximately caused her to suffer damages?
16

17 **ANSWER:** X Yes No

18
19 **WASHINGTON LAW AGAINST DISCRIMINATION (WLAD) CLAIM**

20 **QUESTION NO. 5:** Has Kim Snell proved by a preponderance of the evidence that she
21 was opposing discrimination or retaliation against herself or others or providing information or
22 participating in a proceeding to determine whether discrimination or retaliation had occurred
23 under the Washington Law Against Discrimination?
24

1 **ANSWER:** X Yes No

2 If you answered "NO" to Question No. 5, do not answer the remaining *Washington Law*
3 *Against Discrimination (WLAD) Claim* questions. If you answered "YES" to Question No. 5,
4 move to Question No. 6.

5 **QUESTION NO. 6:** Has Kim Snell proved by a preponderance of the evidence that a
6 substantial factor in one or more of the Defendants' decisions to discipline, revert, or demote her
7 was her opposition to discrimination or retaliation or providing information or participating in a
8 proceeding to determine whether discrimination or retaliation occurred under the Washington Law
9 Against Discrimination?

10 **ANSWER:**

11 Defendant DSHS X Yes No

12 Defendant Fitzgerald X Yes No

13 Defendant Wiley X Yes No

14
15 If you answered "NO" to Question No. 6 for all three Defendants, do not answer the remaining
16 *Washington Law Against Discrimination (WLAD) Claim* questions. If you answered "YES" to
17 Question No. 6, move to Question No. 7.

18 **QUESTION NO. 7:** Has Ms. Snell proved by a preponderance of the evidence that one or
19 more of the Defendants' actions proximately caused her to suffer damages under the Washington
20 Law Against Discrimination?

21 **ANSWER:**

22 Defendant DSHS X Yes No

23 Defendant Fitzgerald X Yes No

Defendant Wiley

☒ Yes ☐ No**DAMAGES****QUESTION NO. 8:** Did you answer "Yes" to Question No. 4 and/or Question No. 7?**ANSWER:** ☒ Yes ☐ No

If you answered "No" to Question No. 8, skip the remaining questions, sign and date this Special Verdict Form, and notify the bailiff that you have reached a verdict. If you answered "Yes" to Question No. 8, proceed to Question No. 9.

QUESTION NO. 9: What do you find to be the amount of Kim Snell's damages?**ANSWER:****A. Economic Loss:**

1. Back Pay:

\$ 83,000.-

2. Front Pay:

\$ 320,000.-

3. Lost Retirement:

\$ 201,000.-**B. Non-economic damages:**\$ 1,800,000.-

QUESTION NO. 10: Have the Defendants proved by a preponderance of the evidence that Kim Snell failed to mitigate her damages?

ANSWER: ☐ Yes ☒ No

If you answered "No" to Question No. 10, skip the remaining question, sign and date this Special Verdict Form, and notify the bailiff that you have reached a verdict. If you answered "Yes" to Question No. 10, proceed to Question No. 11.

1 **QUESTION NO. 11:** What do you find to be the amount by which Ms. Snell's damages
2 should be reduced because she failed to mitigate her damages?

3 **ANSWER:**

4 **A. Economic Loss:**

5 1. **Back Pay:** \$ _____

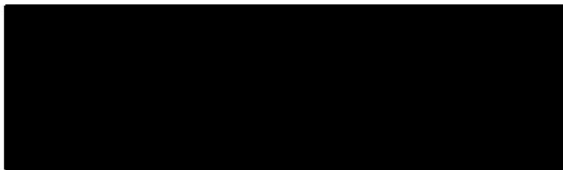
6 2. **Front Pay:** \$ _____

7 3. **Lost Retirement:** \$ _____

8 **B. Non-economic damages:** \$ _____

9 *Once you have answered the questions as directed, please sign and date the verdict*
10 *form and notify the bailiff.*

11 Dated this 9th day of June 2023.

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14 Presiding Juror
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